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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Sameh Tawfik
MITSUGU KAMIZURU ET AL.)	
	:	Group Art Unit: 3721
Application No.: 10/021,088)	
	:	Confirmation No.: 8751
Filed: December 19, 2001)	
	:	
For: SHEET FOLDING APPARATUS AND)	March 28, 2005
IMAGE FORMING APPARATUS	:	
HAVING THE SAME)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Official Action of March 4, 2005, Applicants respectfully elect, with traverse, the invention identified as Group I, corresponding to claims 1-4 and 7-10.

Applicants respectfully traverse the aforementioned restriction requirement on grounds that the Examiner has already conducted prior art searches with respect to both alleged Groups I and II, and has issued an Official Action on September 30, 2004, in which both Group I and Group II had been examined. Since the Examiner has already searched the prior art with respect to Group I and Group II, and has issued an Official Action applying the results of his

prior art search to the claims of Group I and Group II, subjecting those claims to a restriction requirement at this late date is believed to be improper.

In accordance with MPEP § 811, the Examiner was required, before making a restriction requirement after the first action on the merits, to consider whether there will be a “serious burden” if a restriction is not required. Applicants respectfully submit that the Examiner has not made that consideration and that, in any event, no serious burden can possibly be shown.

As explained in the Amendment of August 10, 2004, the invention of the only independent claim of Group II, as identified by the Examiner, includes the same features as claim 1, the invention of the only independent claim of Group I. They differ merely in that Group I is directed to a sheet folding apparatus while Group II is directed to an image forming apparatus which includes the sheet folding apparatus of Group I. The inventions have the same object and provide the same advantages. Moreover, as is evident from the Official Action of September 30, 2004, this view is also held by the Examiner in that the exact same prior art was applied against both Group I and Group II.

For the forgoing reasons, Applicants respectfully request that the restriction requirement of March 4, 2005 be withdrawn.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010 All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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